



08 AUG 2002

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In re Application of :  
Adney et al. :  
Application No.: 10/031,496 : DECISION ON  
PCT No.: PCT/US00/19007 :  
Int. Filing Date: 13 July 2000 : PETITION UNDER  
Priority Date: 13 July 1999 :  
Attorney Docket No.: NREL 99-45 : 37 CFR 1.137(b)  
For: Cellobiohydrolase I Gene And Improved Variants :

This is a decision on applicant's petition under 37 CFR 1.137(b) filed on 14 January 2002.

### **BACKGROUND**

This international application was filed on 13 July 2000 and claimed an earlier priority date of 13 July 1999. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 14 January 2002.

Applicants filed the instant petition on 24 May 2002.

On 26 April 2002, a Notification of Abandonment was mailed to applicant, indicating that this international application became abandoned with respect to the United States for failure to timely pay the required basic national fee. Specifically, the Deposit Account number provided on the Transmittal Letter filed 14 January 2002 does not exist.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition is accompanied by the required reply in the form of authorization to charge the required basic national fee to counsel's deposit account no. 14-0460.

Regarding requirement (2), the petition is accompanied by the petition fee.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

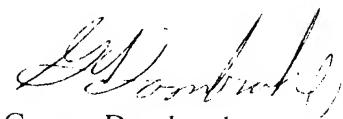
**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration of the inventors.



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